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C O U N C I L     C O M M U N I C A T I O N

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TO: THE CITY COUNCIL  
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE  
NOVEMBER 7, 1990

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SUBJECT: SETTING A DATE FOR PUBLIC HEARING FOR THE APPEAL OF J. J. S. WAREHOUSE TO  
THE NOTICE OF FIRE HAZARD AND ORDER TO ABATE ISSUED BY THE FIRE DEPARTMENT  
ON SEPTEMBER 28, 1990

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PREPARED BY: City Attorney

RECOMMENDED ACTION: That the Council consider setting December 5, 1990 as  
the hearing date in the above matter.

DISCUSSION: On September 28, 1990, the Fire Marshal issued to J.  
J. S. Warehouse, 23 Maxwell Street, Lodi, a Notice of  
Fire Hazard and Order to Abate based on  
perceived violations of the Uniform Fire Code having to do with the storage of  
flammable liquids.

An appeal by the Owner of the warehouse has now been received. Under Section  
15.20.080 of the Municipal Code, such appeals are heard by the City Council.  
It is recommended that the Council consider setting a public hearing at the  
December 5, 1990 Council meeting.

Respectfully submitted,



BOB McNATT  
City Attorney

BM:vc

UFCAPPL/TXTA.01V

OCT 29 '90  
City Manager's Office

NOTICE OF APPEAL

Thomas A. Peterson  
City Manager  
City of Lodi  
City Hall  
221 West Pine Street  
Lodi, California 95240

Re: 23 Maxwell Street, Lodi, California

Dear Sir:

The undersigned, Anton N. Sitter, owner of J.J.S. Warehouse located at 23 Maxwell Street, Building C, Lodi, California, hereby appeals from the Notice of Fire Hazard dated September 28, 1990, under the applicable provisions of the Uniform Fire Code and Lodi Municipal Code.

Dated: October 24, 1990

  
ANTON N. SITTER

cc: Robert McNatt, City Attorney  
Fire Chief

FILE: JJS WAREHOUSE APPEAL



CITY OF LODI  
ADMINISTRATION

ACTION SLIP

TO <i>Bob</i>	DATE <i>11-2-90</i>
FROM <i>Herb Horstmann</i>	TIME <i>2:50</i>

FOR ACTION INDICATED:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> As Requested  | <input checked="" type="checkbox"/> Phoned  | <input type="checkbox"/> For Typing           |
| <input type="checkbox"/> Information   | <input type="checkbox"/> Returned Your Call | <input type="checkbox"/> For Filing           |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Was in Office      | <input type="checkbox"/> For Mailing          |
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Will Call Back     | <input type="checkbox"/> Copy Print Requested |
| <input type="checkbox"/> Return        | <input type="checkbox"/> Please Phone       | <input type="checkbox"/> For Your Signature   |
| <input type="checkbox"/> Let's Discuss | <input type="checkbox"/> Please Contact     | <input type="checkbox"/> Take Care of This    |

PHONE

Area Code

Number

Extension

REMARKS:

*He's Court trial  
is off, so he  
want he sending  
a letter asking  
for continuance.  
Hold Jennifer. Use*

RECEIVED

OCT 26 1990

Ans'd. ....

NOTICE OF APPEAL

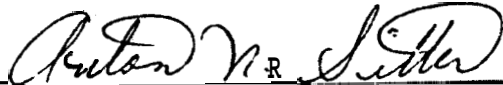
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City Manager  
City of Lodi  
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221 West Pine Street  
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Dated: October 24, 1990

  
ANTON N. SITTE

cc: Robert McNatt, City Attorney  
Fire Chief

MEMORANDUM

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To: City Manager  
City Clerk  
Fire Marshal

From: Bob McNatt, City Attorney

Date: October 29, 1990

Subject: UNIFORM FIRE CODE APPEAL OF 3. J. S. WAREHOUSE

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Upon receipt of the Notice of Appeal from J. J. S. Warehouse dated October 24, 1990, and concerning the Notice of Fire Hazard and Order to Abate issued by the Fire Department on September 28, 1990, I consulted the Municipal Code.

Section 15.20.080 of the Municipal Code was amended in 1990, and now specifies that appeals from orders of the Fire Chief are to be heard by the City Council instead of the City Manager. We should probably schedule a date to put the matter on a Council agenda for hearing. The Fire Department should also draft a letter to Anton Sitter of J. J. S. Warehouse advising him that the matter will be heard by the City Council instead of the City Manager, and of the date set. The Council meeting of December 5, 1990 may be appropriate.

The matter would be heard in the same fashion as Orders to Abate Dangerous Buildings, etc., with the Fire Department putting on its facts first and the property owner then given the opportunity to respond.

A Council Communication should also be prepared by the Fire Department for inclusion in the agenda packet.

Please let me know if there is anything else I can do on this for now.

  
BOB McNATT  
City Attorney

BM: vc

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FIREAPPE/TXTA.01V

OCT 26 1990  
City Attorney's Office

NOTICE OF APPEAL

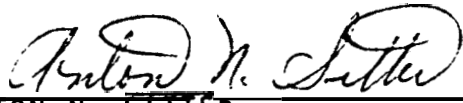
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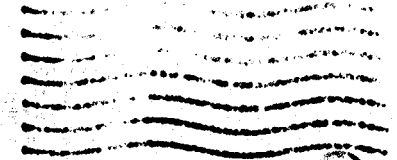
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Dated: October 24, 1990

  
\_\_\_\_\_  
ANTON N. SITTER

cc: Robert McNatt, City Attorney  
Fire Chief

LAW OFFICES OF  
**MERTZ. ADAMS, HORSTMANN & FUNKE**  
PROFESSIONAL CORPORATION  
111 WEST PINE STREET  
LODI, CALIFORNIA 95240



ROBERT McNATT  
CITY ATTORNEY  
CITY HALL  
221 WEST PINE STREET  
LODI, CA 95240